REMARKS

Claims 1-21 are pending in this application. In an Office Action, dated February 2, 2004, the Examiner issued a final rejection of all of these claims under 35 U.S.C. §102 as being fully anticipated by U.S. Patent 6,041,316 (Allen), and Claims 14-16, 20 and 21 were further rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Independent Claims 1, 14, 17 and 20 are herein being amended to better define the subject matters of these claims.

More specifically, Claim 14 is being amended herein to indicate that the trial software application described in the claim is embodied in computer readable medium. This trial application includes a first set of instructions for causing the computer to generate a main program, and a second set of instructions to diminish the performance of that main program. Both of these sets of instructions are embodied in the computer readable medium.

It is believed that with these changes to Claim 14, this claims, and Claims 15 and 16, which are dependent from Claim 14, now clearly describe statutory subject matter. In particular, the trail application described in Claim is not described merely as software or as a software application, but is expressly described as being embodied in computer readable media. Accordingly the Examiner is requested to reconsider and to withdraw the rejection of Claims 14-16 under 35 U.S.C. §101.

The rejection of Claims 20 and 21 under 35 U.S.C. §101 is respectfully traversed. This is because Claim 20 currently describes the computer software as being embodying in a machine readable media. Specifically, Claim 20 is expressly directed to a "program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for encouraging a user to purchase a full version software

application. This is a standard Beauragard form, and is believed to appropriately claim an invention embodied in software. The Examiner is thus requested also to reconsider and to withdraw the rejection of Claim 20, and of Claim 21, which is dependent from Claim 20, under 35 U.S.C. §101.

In addition to the foregoing, all of Claims 1-21, as presented herewith, patentably distinguish over the prior art and are allowable. The Examiner is, consequently, requested to reconsider and to withdraw the rejection of Claims 1-21 under 35 U.S.C. §102, and to allow these claims.

In particular, the present invention relates to a procedure to encourage users to purchase software applications after being provided with a trial or demonstration version. To achieve this, the performance of that trial or demonstration version is progressively diminished over time after being received by the user. In this way, the user is able to continue to use the trial version and become reliant on the software produce, but also becomes frustrated enough with the trial version that he or she purchases the product.

As pointed out in Applicants last Amendment, there are several important differences between the preferred embodiment of the present invention and process disclosed in Allen. With the latter procedure, the user is initially provided with a program that is partially degraded, while with the procedure of the present invention, the user is initially provided with an undegraded program, and that program is then degraded over time.

In the Office Action, the Examiner did not disagree with this assertion, but argued that these features were not recited in the rejected claims. Accordingly, Applicants herein ask that independent Claims 1, 14, 17 and 20 be amended, and it is submitted that, as presented herewith, these claims clearly describe differences between the claims and Allen.

Specifically, each of Claims 1, 14, 17 and 20 describes the feature that the trial or demonstration version of the software is diminished after being received by the user machine or computer and over time. This is not how the procedure of Allen operates. Instead, as mentioned above, with the procedure disclosed in Allen, the user is initially provided with the degraded version.

The above-discussed feature of the present invention is of utility for a number of reasons. For example, with the present invention, the user is allowed to experience the complete, undegraded version of the application and is thus able to decide whether he or she wants that version. With the method and system disclosed in Allen, the user is not able to test that undegraded version.

The other references of record have been reviewed, and these other references, whether they are considered individually or in combination, also do not disclose this feature of the present invention, as described in Claims 1, 14, 17 and 20.

In light of the above-discussed differences between Claims 1, 14, 17 and 20 and the prior art, and because of the advantages associated with those differences, it cannot be said that any of these claims is anticipated by or is obvious in view of that prior art. Hence, Claims 1, 14, 17 and 20 patentably distinguish over the prior art and are allowable. Claims 2-13 are dependent from Claim 1 and are allowable therewith, and Claims 15 and 16 are dependent from Claim 14 and are allowable therewith. Similarly, Claims 18 and 19 are dependent from, and are allowable with, Claim 17; and Claim 21 is dependent from Claim 20 and is allowable therewith. The Examiner is thus requested to reconsider and to withdraw the rejection of Claims 1-21 under 35 U.S.C. §102 and to allow these claims.

For the reasons advanced above, the Examiner is requested to enter this Amendment, to reconsider and to withdraw the rejection of Claims 14-16, 20 and 21 under 35 U.S.C. §101, to reconsider and to withdraw the rejection of Claims 1-21 under 35 U.S.C. §102, and to allow Claims 1-21. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,

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